

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 27, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-23922 - APPLICANT: CAYLIX FINE DINING - OWNER:
PK II SAHARA PAVILION NORTH LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Supper Club use.
2. Conformance to the conditions for Rezoning (Z-0057-87), Site Development Plan Review [Z-0057-87(1)] if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Supper Club located within an existing commercial center at 4760 West Sahara Avenue, Suite #13. Consisting of 4,945 square feet, the proposed restaurant will seat 150 people in the dining room and another 32 customers in the bar/lounge. Days and hours of operation will be 11am to 12am, Monday through Wednesday, and 11am to 2am on Thursday through Sunday. In the past this suite has been occupied by restaurant uses. Given the location within the center and the ample number of parking spaces staff finds the continued use as a restaurant is appropriate and recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>		
08/05/87	The City Council approved a request for Rezoning (Z-0057-87) to C-1 (Limited Commercial) on 38.5 acres of a larger parcel that included the subject property. The Planning Commission and staff recommended approval.	
05/12/88	The Planning Commission approved a Plot Plan Review [Z-0057-87(1)] for a proposed shopping center on the subject property.	
<i>Related Building Permits/Business Licenses</i>		
07/02/90	Café Nicolle Permit 9005786 Electrical	
07/24/90	Café Nicolle Permit 90069059 A-Able Lock and Alarm	
10/23/91	Café Nicolle Permit 91122884 TI	
12/21/06	Out of Business - RO9-00328/Restaurant	Passions(Suite 13)
12/21/06	Out of Business - CO5-98063 /Tobacco Sales	Passions (Suite 13)
08/11/06	Out of Business - CO5-02299/Tobacco	Kiss (Suite 13)
07/17/06	Out of Business - C20-01975/Convention Hall Gaming	Kiss (Suite 13)
07/17/06	Out of Business - GO1-01986/Restricted Gaming	Kiss (Suite 13)
12/29/06	Denied - L16 -00214/Tavern	Kiss (Suite 13)
<i>Pre-Application Meeting</i>		
06/07/07	Staff met with the prospective applicant to discuss the procedural requirements for obtaining a Special Use Permit for a Supper Club and restricted gaming. It was noted that the property on which the use would be located is within 500 feet of the unincorporated area of Clark County. The use would be considered a Project of Regional Significance for which an environmental impact assessment questionnaire would have to be submitted and routed to regional agencies for comment.	

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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required nor was one held.

Field Check	
08/23/07	Location is within a 29 acre commercial center. Parking available.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	29.4

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/ Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial/ Retail and Residential Condominiums	SC (Service Commercial) M (Medium Density Residential)	C-1 (Limited Commercial) R-3(Medium Density Residential)
South	Commercial/ Retail in unincorporated Clark County	Unincorporated Clark County	Unincorporated Clark County)
East	Commercial/ Retail Residential Condominiums	SC (Service Commercial) M (Medium Density Residential)	C-1 (Limited Commercial) R-3(Medium Density Residential)
West	Commercial/ Retail	SC(Service Commercial) GC (General Commercial)	C-1 (Limited Commercial) C-2 (General Commercial)

The subject site is designated SC (Service Commercial) on the Southeast Sector Land Use Map of the General Plan. The C-1 (Limited Commercial) zoning on the site conforms to the SC land use designation. A Supper Club is permitted as a Special Use in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Supper Club.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		N/A

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The notification radius for this request includes properties under Clark County jurisdiction. The owners of these properties were notified of a public hearing for this item. In addition, because the subject property is within 500 feet of the unincorporated area of Clark County, any Special Use Permit request is deemed to be a Project of Regional Significance. In accordance with City Ordinance No. 5477, an environmental impact assessment questionnaire was submitted with other materials for this application and circulated to the County of Clark County for a mandated 15 day period. To date no recommendations for mitigation measures have been received. The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Supper Club	4,945 gfa	1 space for each 50 sf of public space plus 1 space per 200 sf kitchen area	86	4	1376	24	Y
TOTAL (including handicap)			90		1400		

The proposed Supper Club is to be located within a suite that had been occupied by restaurants in an established commercial center. Parking facilities within the existing shopping center meet the requirements of the Zoning Code and are adequate to accommodate the proposed Supper Club. No new parking spaces are required or proposed as a result of this project.

ANALYSIS

- Zoning**

The subject property is presently zoned C-1 (Limited Commercial). A Supper Club is permitted in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Supper Club. The proposed Supper Club meets the base conditions.

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- **Use**

According to Title 19, a Supper Club is defined as follows:

1. A Supper Club is defined as a restaurant and bar operation with alcoholic beverage sales.
2. The bar area must be separated from the restaurant seating area by a sufficient barrier to prevent entry by minors.
3. Food must be served at all times while the bar is open. Actual seating within in the restaurant area must be available at all times and accommodate at least 125 persons. Alcohol is served in the restaurant area in conjunction with food service. A cook and food server, other than a bartender, must be available at all times the bar is open to the public, and the principal operation must be the restaurant portion of the establishment.

The proposed Supper Club will be located in an existing 4,945 square foot space in a commercial center. Within this space there is proposed a 32 seat lounge area with bar, 150 seat dining area, restrooms, kitchen and storage areas. The space configuration is typical for a Supper Club.

- **Conditions**

Title 19.04.050 lists the base conditions for the approval of a Special Use Permit for a Supper Club as follows:

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject property is presently zoned C-1 (Limited Commercial). A Supper Club is permitted in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Supper Club. The Supper Club meets all the base conditions.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

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The commercial center within which the proposed Supper Club is located consists of retail and service commercial businesses that are of similar intensity as the proposed Supper Club. The commercial centers structure is designed for this type of use and is physically suitable.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Supper Club will be located on Decatur Boulevard and Sahara Avenue. According to the Master Plan of Streets and Highways, both are classified as Primary (100 foot) Arterial streets that are capable of handling the traffic flow from this establishment.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Supper Club use on this site will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Supper Club use complies with the conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 615

APPROVALS 0

PROTESTS 1